

# EXHIBIT “G”

1 UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF NEW YORK

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4 SIDNEY MANES, Administrator of the Estate of HECTOR  
5 RIVAS,

6 Plaintiff,

7 Index No. 19-CV-844 (BKS) (TWD)

8 against

9 ONONDAGA COUNTY, CITY OF SYRACUSE, WILLIAM  
10 FITZPATRICK, DR. ERIK MITCHELL, and "JOHN DOES 1-10",

11 Defendants.

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18 **EXAMINATION BEFORE TRIAL of**

19 **DANIEL SPITZ, M.D.**, expert testimony taken  
20 via videoconference by Zoom, held in New York  
21 State on August 15, 2024. This deposition  
22 was taken by LISA M. SCHUSTER, Court Reporter  
23 and Notary Public in and for the State of  
24 New York.  
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4 APPEARANCES:

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7 THE LAW OFFICES OF JOSHUA MOSKOVITZ, P.C.  
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9 Also Present: Sara Wolkensdorfer  
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11  
12 For the Defendants:

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15 Also Present: Mary Jumbelic, M.D.  
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17 PARROTTA STUDIO  
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19 Ken Williamson, Videographer  
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1 rendering opinions that are reproducible and known and  
2 understood with respect to those parameters.

3 Q. I want to focus on the scientific aspect of the  
4 forensic pathologist's work. Based on your experience  
5 and to a reasonable degree of certainty from that  
6 experience and training, is there any basis in science  
7 within the field of forensic pathology that supports an  
8 opinion that Valerie Hill's death could have occurred  
9 more than 48 hours before she was discovered?

10 A. No, I don't think the scientific data would  
11 support a longer time frame than 48 hours.

12 Q. So we talked or you spoke a bit with Mr. Julian  
13 about outliers. Now, is it fair to say that in human  
14 experience, there's always outliers?

15 A. Of course. There's outliers in virtually  
16 everything that goes on.

17 Q. Right. And so science is aware of outliers and  
18 takes that into account and that's not unusual, right?

19 A. Right. You know. You're not saying that a  
20 hundred percent of people follow the exact same process.  
21 What you're saying is that we have known reproducible --  
22 known reproducible process to analyze these kinds of  
23 things, and while there's a bell curve, the overwhelming  
24 majority, you know, follow that process, and there are  
25 outliers. And usually there's reasons for those

1 outliers, but sometimes there's not or the reasons that  
2 exist might not be known.

3 Q. So when giving a scientific opinion or medical  
4 opinion in your report, you talk about a reasonable  
5 degree of medical certainty. That's the type of opinion  
6 that's based on reproducible data acknowledging that  
7 there might be some extreme outliers, right?

8 A. Correct.

9 Q. And so would you say that in your experience in  
10 providing an opinion on a window of the most likely time  
11 of death, you would use outliers in expressing that  
12 opinion?

13 A. I would not. I would not, because again,  
14 you're looking at the overwhelming majority of cases, and  
15 I suppose if you wanted to mention that outliers can  
16 exist, but outliers are rare, you know, that would be a  
17 truthful and accurate statement. But as far as giving  
18 opinions to a reasonable degree of medical certainty,  
19 that encompasses what is known and reproducible and  
20 doesn't really need to incorporate outliers, because  
21 outliers exist in everything we do.

22 Q. Are you aware of any scientific literature that  
23 supports the conclusion that a room ambient temperature  
24 of 62 degrees can prolong rigor mortis?

25 A. Not to any significant measurable degree. No,



1 I'm not aware of anything like that.

2 Q. Are you aware of scientific literature that  
3 supports the conclusion that an ambient room temperature  
4 of 62 degrees can prolong lividity?

5 A. Not to any significant or measurable degree.

6 Q. Are you aware of any scientific literature that  
7 supports, taking into account anything that's visible in  
8 the photographs of Miss Hill's brain, in determining the  
9 likely time of death?

10 A. No.

11 MR. MOSKOVITZ: Thank you. Those are all  
12 the questions I have for Dr. Spitz.

13 MR. JULIAN: Nothing further.

14 VIDEOGRAPHER: Okay. This will conclude  
15 today's testimony. The time is 4:44 p.m. We  
16 are off the record.

17 ( Whereupon, the examination concluded )

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